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SUBJECT: HUMANITARIAN RESETTLEMENT - FIRST JOINT WORKING GROUP MEETING

REF: (A) HCMC 74, (B) 04 HCMC 505, (C) HANOI 3029

11. (SBU) Summary: U.S. and Vietnamese officials of the Joint Working Group (JWG) for Humanitarian Resettlement (HR), led by ConGen HCMC DPO Kenneth Chern and Ministry of Public Security (MPS) Deputy Director of Emigration and Immigration Phan Dong, held their first session November 30 in HCMC. The Vietnamese side raised two contentious issues: loosening eligibility criteria for children of applicants, and USG defrayment of GVN implementation costs for HR. The U.S. side agreed to a GVN request to begin the Public Information Outreach (PIO) on December 16, in order to give the GVN time to develop PIO scheduling plans and materials. The GVN also requested that we provide it with lists of HR applicants, including photos, to prevent fraud and facilitate document verification. The two sides agreed that language in two USG draft documents (an application form and an information sheet) would be refined in time to begin distribution on December 16. The meeting took place in a collegial atmosphere and went longer than initially planned due to a detailed discussion of HR implementation issues. Both sides agreed to keep in touch pending a second meeting by mutual agreement. End summary.

12. (U) The first meeting of the JWG to implement the new HR process took place in HCMC November 30. A USG group led by ConGen HCMC DPO Chern, and including Refugee Coordinator David Rockey and Embassy Hanoi Political Officer Nathaniel Jensen, met with a GVN delegation led by MPS Deputy Director of Immigration and Emigration Dong. Also present for the Vietnamese side were MPS Vice Manager of Immigration Le Xuan Vien, Ministry of Foreign Affairs Consular Department Deputy Director Thai Xuan Dung, and four others.

13. (SBU) GVN members of the JWG presented four main points for consideration in connection with implementation of the PIO and of HR more generally:

- The GVN suggested that the USG loosen the eligibility criteria, particularly the restriction on children to those under 21 and unmarried, in the interest of family unity, and to avoid difficulties in dealing with family members of applicants for resettlement.
- The GVN asked that the USG specify in its information sheet exactly what documents applicants should submit in support of their applications for the HR's three categories of eligibility: HO (former detainees), U-11 (former USG employees), and V-11 (former employees of private U.S. companies or organizations).
- The GVN said it wanted to discuss with the USG and reach agreement on the exact breadth and length of the airing time for PIO materials, including the best times for information to be broadcast and put into publications, to meet the requirements contained in the PIO agreement.
- Claiming that it faced significant costs for purchasing broadcast media air time and print advertising space, bringing officials from Hanoi to HCMC for meetings, and facilitating the work of the JWG, the GVN requested that the USG underwrite all these costs. Deputy Director Dong particularly stressed the costs of purchasing airtime and advertising space. Alluding to Vietnam's "free press," he noted that the GVN must sign contracts for advertising purchases in the major media.

14. (SBU) The USG members discussed these issues at length with the GVN members and made the following points in response to these concerns:

- DPO noted that it was unlikely we would be able to change the basic eligibility restriction to unmarried children under 21 years old as listed in the access criteria, since this had U.S. legal implications. The restriction was based on the U.S. Immigration and Nationality Act. Regarding the GVN's comment that many under-21 and unmarried children had not participated in ODP when they had had such an opportunity prior to the previous application deadline in 1994, the U.S. side pointed out that the McCain Amendment program had been implemented to address that concern. We also noted that unless there were some U.S. legal change to allow participation by over-21 and/or

married children of principal applicants (which could also have implications for derivative families that extend even to great-grandchildren of principal applicants), this restriction could not be eliminated. We did agree to explore the issue further with our legal authorities in Washington and to provide a more definitive response.

- Regarding what documents should be submitted as part of the applications, the U.S. side said it would develop a list of key documents to support requests for consideration under HR, such as re-education certificates (for HO), documents providing evidence of USG employment (for U-11), and documents relating to U.S. private organization employment (for V-11). We also noted that given the variety of circumstances of individual cases, such a list could not be comprehensive. We acknowledged that many potential applicants may not have re-education or employment documents available after 30 years, and endeavored to work with the GVN and with USG offices in the United States to make best efforts to verify such claims. We will include the list of key documents with the information sheets and application forms that we distribute to potential applicants.

- On the issue of planning the breadth and length of airing PIO information, the U.S. side agreed to let the GVN take the lead in developing specific schedules and materials for media and print coverage, and consult with us about them through the JWG. GVN members said that they would need an additional 15 days to prepare adequately their first plans for PIO materials, and the JWG agreed that the active dissemination of information for HR would begin on December 16.

- The GVN proposal for funding the HR process was the most contentious issue raised. The DPO noted that the U.S. also had expenses such as application and information sheet printing costs and bringing staff from Hanoi to HCMC for JWG meetings. He said that the USG could not defray the costs that the GVN would incur. Refugee Coordinator pointed out that we had initially offered to do the PIO through the International Organization for Migration (IOM) as our partner, whereby IOM would have purchased airtime and print space at commercial rates. However, during negotiations in December 2004, the GVN had said it would prefer to manage the PIO itself, without IOM involvement (Ref A). At that time, no mention had been made of sharing costs for the PIO. The U.S. side suggested that most of the PIO information should be disseminated through public service announcements and press releases; large-volume purchases of commercial advertising space should not be necessary. We also noted that the GVN still receives per-capita payments from the USG (paid through IOM) each year for all persons traveling under the U.S. Refugee Program and that these per-capita payments were intended to compensate the GVN for costs incurred in cooperating with in-country resettlement programs. The GVN members pressed, asking us to reconsider their request for funding, and contending that this would be critical to the success of HR. We undertook to convey their concern to the Department.

15. (SBU) The U.S. side provided the GVN with two draft documents that we wish to begin disseminating to people requesting information on HR: a one-page application form that requests basic information about the applicant and whether he or she has previously applied for ODP; and a general eligibility information sheet repeating most of the information contained in the initial public announcement document: a basic description of the HR eligibility criteria and warnings not to use agents or "fixers" for assistance or to make life-changing arrangements (selling property, resigning jobs, leaving school) until officially notified of approval for resettlement. The GVN side is reviewing these documents, mainly with a concern to eliminate the term "refugee" throughout the documents (Ref B). With this change (and the addition of the list of key supporting documents), we expect to begin distributing the application forms and information sheets to those making inquiries on December 16, concurrent with the start of the PIO.

16. (SBU) The GVN also asked us to provide it with lists of people submitting HR applications, including photos, in order to discourage imposters and more generally prevent fraudulent applications. Specifically, the GVN requested that we provide lists, on a regular basis, of persons initially submitting application forms; of persons deemed eligible for consideration after an initial evaluation of their case; of persons deemed ineligible for resettlement; and of persons whose cases are pending for some reason. The U.S. side acknowledged that we have a common interest in combating fraud and that we had provided similar lists throughout the previous ODP process. (Comment: We would need to provide much of this information to the GVN for document verification and verifying related case facts in any event. However, we request Department guidance on how best to accommodate this request. End Comment.)

17. (SBU) The JWG meeting took place in an atmosphere of cooperation in implementing operational details of the HR process, although both sides recognized that there are issues to be worked out. JWG members on both sides agreed to consult each other regularly via e-mail and phone calls between meetings to

continue resolving operational details, pending the next JWG meeting at a time of mutual agreement.  
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